

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

OSSIE SANTIAGO, an individual California
resident, on behalf of himself and all others
similarly situated,

Plaintiff,

v.

INTUIT, INC., a Delaware corporation;
GOOGLE, INC., a Delaware corporation; and
DOES 1 through 100, inclusive,

Defendants.

Case No.: 5:12-CV-01262-LHK

ORDER TO SHOW CAUSE WHY CASE
SHOULD NOT BE DISMISSED FOR
FAILURE TO PROSECUTE

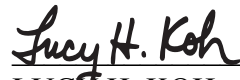
Plaintiff Ossie Santiago filed a complaint against Intuit, Inc. (“Intuit”), Google, Inc. (“Google”), and Does 1 through 100, inclusive (collectively. “Defendants”) on March 14, 2012. *See* ECF No. 1. On April 20, 2012, the case was reassigned to the undersigned judge. ECF No. 6. On April 25, 2012, the Court related the above captioned case to *In re: High/Tech Employee Antitrust Litigation*, 11-CV-2509-LHK. ECF No. 11. On April 25, 2012, Intuit filed a motion to compel arbitration and to dismiss, or in the alternative stay proceedings. ECF No. 8. Pursuant to Civil Local Rule 7-3(a), Plaintiff’s opposition to Intuit’s motion was due on May 9, 2012. On June 1, 2012, Google filed a motion to dismiss Plaintiff’s complaint pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6). Pursuant to Civil Local Rule 7-3(a), Plaintiff’s opposition to Google’s motion was due on June 15, 2012. On June 22, 2012, Google filed a notice Plaintiff’s

1 non-opposition to Google's motion to dismiss. ECF No. 19. Plaintiff has not filed an opposition to
2 either Google's or Intuit's motions, even though the deadline to oppose both motions has passed.

3 The hearing on Google's and Intuit's motions and the case management conference set for
4 September 13, 2012, are VACATED. The Court hereby ORDERS Plaintiff to show cause why this
5 case should not be dismissed for failure to prosecute. This Order does not authorize Plaintiff to file
6 an untimely opposition to Defendants' motions. Plaintiff has until **August 13, 2012**, to file a
7 response to this Order to Show Cause. A hearing on this Order to Show Cause is set for **August**
8 **30, 2012, at 1:30 P.M.** Plaintiff's failure to respond to this Order to Show Cause and to appear at
9 the August 30, 2012 hearing will result in dismissal with prejudice for failure to prosecute.

10
11 **IT IS SO ORDERED.**

12 Dated: July 23, 2012



LUCY H. KOH
United States District Judge